Calendar No. 701

100TH CONGRESS
2d Session

SENATE

REPORT
100-368

COLUMBIA RIVER, WASHINGTON

MAY 27 (legislative day, MAY 18), 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1850]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1850) to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 3, delete "57" and insert in lieu thereof "51".
2. On page 2, delete line 7 in its entirety and insert in lieu thereof "May 17, 1988, which is on file with the".
3. On page 2, line 10, delete "(16 U.S.C. 1274(b))" and insert in lieu thereof "(16 U.S.C. 1276(b))".
4. On page 2, lines 15 and 16, delete "one year" and insert in lieu thereof "three years".
5. On page 2, line 19, delete "1274(b))" and insert in lieu thereof "1276(b))".
6. Amend the title so as to read:

> A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Columbia River in Washington for study to determine its suitability for inclusion in the National Wild and Scenic Rivers System, and for other purposes.

S313-16

Purposes of the Measure

The purpose of S. 1850 is to amend the Wild and Scenic Rivers Act to provide for a study of the Hanford Reach section of the Columbia River in Washington State, for possible inclusion in the National Wild and Scenic Rivers System.

Background and Need

Only 57 miles of the Columbia River remain free-flowing between Bonneville Dam and the Canadian border. Known as the Hanford Reach, this remnant of unimpounded Columbia River flows from Priest Rapids Dam to the McNary Pool, north of Richland. For most of its distance, the river flows through the Hanford Reservation administered by the U.S. Department of Energy.

The Hanford Reach is the last significant stretch of the Columbia River which maintains characteristics of the pre-settlement mid-Columbia ecosystem. Its diverse natural habitats, eliminated elsewhere on the Columbia, provide a refuge for those plants and animals which depend for survival on the river's original free-flowing condition. As the last major natural salmon spawning area on the Columbia River, Hanford Reach is also highly valued for its production of an extremely important stock of "wild" fall chinook salmon. Steelhead, white sturgeon, other fish and bird species also benefit from the natural condition of the Hanford Reach.

S. 1850 authorizes the Department of the Interior to conduct a study of the Hanford Reach to determine its eligibility for inclusion in the National Wild and Scenic Rivers System.

The study will be conducted by the National Park Service with a study team which will include representatives of the Army Corps of Engineers, the Department of Energy, and the United States Fish and Wildlife Service. Each of these Federal agencies has jurisdiction along the Hanford Reach and should be active study team participants. The Yakima Indian Nation also has substantial interests in the Hanford Reach and should be consulted with and involved in the wild and scenic river study.

The Committee recognizes that the Department of Energy in its management of the Hanford Reservation is currently pursuing projects to develop and enhance the operations and facilities on the Hanford Reservation. Under the terms of this Act, the Secretary of the Interior is required to consult with the Secretary of Energy in the development of the wild and scenic river study.

It is the Committee's expectation that, should the Department of Energy develop a project or a proposal that has the potential to impact the Hanford Reach should it be recommended for designation as a wild and scenic river, the Secretary of the Interior will consider such a project or proposal in developing recommendations for the designation of the Hanford Reach as a wild and scenic river. It is the Committee's understanding that the wild and scenic river study will not affect the Department of Energy's normal operations of the Hanford Reservation and the Corps of Engineer's normal operations of the Priest Rapids and McNary Dams. However, any new projects proposed by the Department of Energy and the Corps of Engineers would be subject to the provisions of section 7(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(b)).

The Committee recognizes the continuing work of the Army Corps of Engineers in completing the Mid-Columbia Navigation Project and anticipates that this study will be completed in the near future. In conjunction with this study, the Army Corps of Engineers has proposed in the past to construct a spawning demonstration project within the wild and scenic river study boundaries. The Committee is aware that the Corps of Engineers has recently decided that it will not proceed with the construction of that project. It is the Committee's opinion and intention that construction of such a project, or any other physically intrusive projects, would be viewed as having a direct and adverse effect on the values for which the river is being studied as provided for in section 7(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(b)).

Legislative History

S. 1850 was introduced on November 5, 1987. A hearing was held on the measure by the Subcommittee on Public Lands, National Parks and Forests on April 19, 1988.

At the business meeting on Wednesday, May 18, 1988, the Senate Committee on Energy and Natural Resources ordered S. 1850, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on Wednesday, May 18, 1988, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1850 if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht*	
Mr. Evans	

*Indicates voted by proxy.

Committee Amendments

During the consideration of S. 1850, the Committee adopted several technical and conforming amendments. It also adopted an amendment changing the length of time to complete the study from 1 year to 3 years.

Summary of the Measure

S. 1850, as ordered reported, would designate the 51-mile Hanford Reach of the Columbia River in Washington for study as potential component of the National Wild and Scenic Rivers System. The bill, as ordered reported, provides that the study would be carried out by the Secretary of the Interior in consultation with the Secretary of Agriculture and that the study shall be completed in 3 years. The bill would authorize $150,000 for the study, and it would extend the provisions of section 7(b) of the Wild and Scenic Rivers Act (prohibiting the licensing of water resources projects) from the usual maximum of 6 years to 8 years with respect to the segment authorized for study.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 27, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1850, a bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes. The bill was ordered reported by the Senate Committee on Energy and Natural Resources on May 18, 1988.

S. 1850 would authorize the appropriation of $150,000 to complete a study of a 51-mile segment of the Columbia River. The study would be prepared by the Secretary of the Interior within three years of the bill's enactment. CBO estimates that the funds authorized in the bill would result in additional federal outlays assuming appropriation of the necessary sums.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

James L. Blum,
Acting Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1850. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1850, as reported.

Executive Communications

On December 3, 1987, the Committee on Energy and Natural Resources requested legislative reports from the Departments of Agriculture, the Interior and the Office of Management and Budget setting for executive views on S. 1850. The reports from the Department of the Interior had not been received at the time the report on S. 1850 was filed. When the report becomes available, the chairman will request that it be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Interior Department at the Subcommittee hearing follows:

Department of Agriculture,
Office of the Secretary,
Washington, DC, January 15, 1988.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

Dear Mr. Chairman: This is in reply to your request for the views of this Department regarding S. 1850, a bill "To amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes."

The Department of Agriculture defers to the Department of the Interior since enactment of this bill would not affect this Department's programs or National Forest System lands.

S. 1850 would amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System. The study would be carried out by the Secretary of the Interior, in consultation with the Secretary of Energy, and would be completed no later than 1 year after enactment. The bill would also authorize the appropriation of $150,000 for the purpose of conducting the study.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Peter C. Myers,
Acting Secretary.

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 1850

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 1850, a bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

We recommend the enactment of S. 1850 if it is amended as suggested herein.

S. 1850 would designate the 57-mile Hanford Reach of the Columbia River in Washington for study as a potential component of the National Wild and Scenic River System. The bill provides that the study would be carried out by the Secretary of the Interior in consultation with the Secretary of Agriculture and that the study shall be completed in 1 year. The bill would authorize $150,000 for the study, and it would extend the provisions of section 7(b) of the Wild and Scenic Rivers Act (prohibiting the licensing of water resources projects) from the usual maximum of 6 years to 8 years with respect to the segment authorized for study.

The 57-mile Hanford Reach has many exceptional features. The last unimpounded segment of the Columbia River in the United States, this reach provides spawning habitat for tens of thousands of fall chinook salmon, a vital commercial and sport fish. The river and valley provide excellent habitat for many plant and animal species, including the white pelican and the bald eagle. This natural bounty has resulted in a rich history and prehistory of human use, and the banks and islands of the river feature many significant historical and archeological sites. The Hanford Reach continues to be actively used; it is widely regarded as one of the best destinations for salmon fishing in the Columbia Basin.

In recognition of these features, the Hanford Reach was identified as a potential Wild and Scenic River in the 1982 Nationwide Rivers Inventory and in the 1970 Department of the Interior-Department of Agriculture list of candidates published under the auspices of section 5(d) of the Wild and Scenic Rivers Act, where it was one of only 47 rivers in the United States so distinguished.

The Army Corps of Engineers is currently studying the feasibility of opening the Hanford Reach to commercial navigation, a project that would require dredging throughout the segment. Our analysis indicates that the project, if economically viable and proposed for construction, would likely foreclose its potential for designation of the segment as a component of the National Wild and Scenic Rivers System.

It is important that a thorough evaluation of the Wild and Scenic River potential of the Hanford Reach be completed before difficult decisions on protection or development of the segment are made. We do not believe that the 1-year study period authorized in the bill is sufficient to complete a thorough analysis of this potential, and to meet the statutory review requirements of the Wild and Scenic Rivers Act. Therefore, we suggest that the study period

be increased to the customary 3-year period allowed most Wild and Scenic River studies.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1850, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

[16 U.S.C. 1271-1287]

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

* * * * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) * * *

* * * * * * *

(96) COLUMBIA, WASHINGTON.—The segment extending from one mile below Priest Rapids Dam downstream approximately 51 miles to the McNary Pool north of Richland, Washington, as generally depicted on the boundary map entitled "Proposed Columbia River Wild and Scenic River Boundary" dated May 17, 1988, which is on file with the United States Department of the Interior.

Sec. 5. (b)(1) * * *

* * * * * * *

(4) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than $4,060,000. There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (59) through (76) such sums as may be necessary. There are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (90) such sums as may be necessary. *There are authorized to be appropriated for the purpose for conducting the study of the river named in paragraph (96) $150,000.*

* * * * * * *

(8) The study of the river named in paragraph (96) of subsection (a) shall be carried out by the Secretary of the Interior, in consultation with the Secretary of Energy, and shall be completed not later than three years after the date of enactment of this paragraph.

* * * * * * *

○